IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No 12604 of 2001
For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KANAKRAM BHAKTIRAM DUDHREJIA

Versus

DIVISIONAL CONTROLLER

Appearance:
MR MURALI N DEVNANI for the Petitioner.
..... for Respondent No. 1
MR ASHISH M DAGLI for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 15/04/2002

ORAL JUDGEMENT

Rule. With the consent of the parties, the matter is taken up for final hearing today.

The petitioner was running a sugarcane juice stall at Virpur Bus Depot. Since the licence of the petitioner was not renewed, he approached this Court earlier. This Court directed him to make representation, but the same was rejected.

The grievance of the petitioner is that even though no one else is given regular licence for doing business of selling sugarcane juice at the S.T. Bus

Depot at Virpur, yet, the petitioner is thrown out from the said place. It is also submitted by Mr.Devnani, learned Advocate for the petitioner, that the petitioner has cleared up all the dues; still, in a high-handed manner, the petitioner was compelled to stop the business.

Mr.Dagli, learned Advocate appearing for the S.T. Corporation, states that the process for inviting fresh tenders for the purpose of running sugarcane juice stall is going on and it may take roughly about 4-5 months. He has also submitted that at that time, for the purpose of getting fresh licence, the claim of the petitioner also will be considered along with others. Considering the facts and circumstances of the case, I am of the opinion that till regular licence holder is available for the purpose of running sugarcane juice stall at Virpur S.T. Depot, the S.T. Corporation may allow the petitioner to continue to do his business on ad hoc basis till regular licences are issued. The petitioner may also apply for regular licence at the relevant time. Considering the facts and circumstances of the case, the petitioner is permitted to run his sugarcane juice stall provided he clears all the dues, if any, and till regular licences are given, the petitioner may be allowed to continue on the ad hoc basis so that in this summer, passengers who are visiting Virpur S.T. Bus Depot may not suffer in view of the absence of sugarcane juice facility there. If for this purpose any formal application is required, the petitioner may make an application to the S.T. Corporation requesting that till regular licence holder is available, the petitioner may be permitted to do the business on ad hoc basis. If any such application is made, the S.T. Corporation may allow the petitioner to do business on ad hoc basis till regular licences are given.

The petitioner may apply in this behalf for temporary licence on ad hoc basis, as indicated above, within a period of one week from today and if such application is made, decision may be taken in the application immediately within a period of three days from the date of receipt of the said application. Mr.Devnani has also fairly conceded that in case the petitioner's application for fresh licence is not accepted and if some one else, who may be the higher bidder, is given such licence, the petitioner will hand over the possession without obstructing in any manner and without asking the S.T. Corporation to go for legal battle on this aspect.

Petition is allowed to the aforesaid extent. Rule is made absolute accordingly.

Direct service is permitted.

(P.B. Majmudar, J.)

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(apj)